

(MR. SPEAKER)

reports and I have got to give my ruling. But one thing Mr. Patil must remember is, point of order cannot be raised at any time. Mr. Nagappa has raised the same point and I am giving the ruling.

SRI K. H. PATIL.—With due respect, I wanted to raise the point of order at the particular time. But as your honour was very much pleased to advise me that it was question hour and we should not waste time, I was taking my seat without rising to speak.

MR. SPEAKER.—Immediately after the question-hour. Next opportunity—earliest opportunity. Now I am going to give my ruling.

ಶ್ರೀ ಎಂ. ಎಸ್. ಕೃಷ್ಣನ್ (ಮಲ್ಲೇಶ್ವರಂ).—ಒಂದೇ ಒಂದು ವಿಷಯ. ಒಂದು ಅರಿಕೆ ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗಿತ್ತು. ತಾವು ರೂಲಿಂಗ್ ಕೊಟ್ಟರೆ ಸರಿಹೋಗುತ್ತದೆ.

MR. SPEAKER.—That is exactly what I am doing.

ಶ್ರೀ ಎಸ್. ವಿ. ಅಗ್ನಿಹೋತ್ರಿ (ಧಾರವಾಡ-ರೂರರ್).—ಈ ಜೇರೋ ಅವರಿನಲ್ಲಿ ಯಾವುದೂ ಡಿಸ್ಕ್ಯಸ್ ಮಾಡುವುದಕ್ಕೆ ಬರುತ್ತದೆ ?

MR. SPEAKER.—Zero hour does not exist here.

### SPEAKER'S RULING *Re* : FURNISHING INFORMATION CONTAINED IN DOCUMENTS

MR. SPEAKER.—The Hon'le Member Sri Nagappa raised a point of order. He said that all documents are public and that the Hon'ble Minister for Home was not right in saying that he will not disclose certain matters, in public interest. I do not know whether Mr. Nagappa had any particular document in his mind. If the Hon'ble Minister claims that certain information, in the shape of a document or otherwise, should not be disclosed in public interest, the question directly arises as to what exactly are the limitations with regard to that. It has been ruled without any difference of opinion among all the legislatures and in this legislature also that the right to claim that certain information need not be disclosed or would not be disclosed is the right of the executive Government, because it is their responsibility. Yesterday also I said that the matter has come up to the highest level like this, that in the Public Accounts Committee when certain questions were asked and the information contained in the document and the document was requested to be produced by the Chairman of the Public Accounts Committee, the Government claimed the privilege and the matter was referred to the Speaker. The Speaker dealt with it and said that it is the right of the Government to say that a particular piece of information is one which cannot be divulged.

However, to satisfy himself in that particular instance, it was shown to the Speaker and the Speaker saw it, and the matter in it, with the definite ruling that the power to say what is to be disclosed

or not disclosed is the sole responsibility of the Executive Government, which Government have to face certain other aspects if ever they are raised.

So far as the matter of disclosure is concerned, it is the right of the Executive Government. Mr. Nagappa cited an observation in a Text-Book and also further relied upon the reference given there. The reference that is given there is: The Reports of Lok Sabha in 1957. The matter came for consideration with regard to a report submitted by the Commissioner for Scheduled Castes and Scheduled Tribes, to the President of India. The perusal is necessary only with regard to one or two sentences. The report submitted to the President goes through the Home Ministry so that the person asking for the report or the Officer representing the Indian Republic asking for report that is to be satisfied and the Officer submitting and the persons that deal with it. And it was said the report submitted to the President should be laid on the Table.

Articles of the Constitution were invoked and it was said that so far as that particular report of the Scheduled Castes and Tribes Commissioner was concerned, it has to be placed on the Table. That was not agreed to by the Government and the Speaker had to deal with it. And there, it is perfectly clear that the report submitted to the President annually or at intervals under the Constitution or placed on the Table of the House and there is debate. The matter dealt on that occasion in 1957 dealt with such a report. And the observations which the hon'ble member has also perused, would go to show that so far as the normal right of the Executive Government with regard to papers in their custody or with regard to the information in their possession is concerned, it does not at all deal with it. And the express ruling given over it shows that it relates to the reports submitted to the President.

In the instant case now before this House, the matter is not one like that; and one observation, which is a very useful observation made is, that Members who interrupt the transaction and the work in the House are to be ignored by the Speaker for a period of two months. With regard to their catching the eye of the Speaker and all that, that is the procedure that prevails in the House of Commons. I am mentioning that because such a thing is happening here very frequently. I would rather desire that this particular portion of the debate should be perused by the Members. I will be making a small extract and circulating it among the members for their kind reference so that they may be observed.

Therefore, the point raised by Mr. Nagappa that every paper is liable to be placed on the Table of the House as a public document, cannot at all be supported. And I trust he is himself satisfied.

**SRI H. SIDDAVEERAPPA.**—Sir, I am not asking anything about the ruling. There is another difficulty. That is as a consequence of this. If there is any point which the other side claims it as a public document and it is not disclosed, what is to be done?

(SRI H. SIDDAVEERAPPA)

Supposing we say it is not a public document, it does not come under your ruling—whether what they say is right or what we say is right or wrong. Kindly give your ruling to the effect that some yard stick will be put down in that connection.

† Sri K. H. PATIL.—Sir, I rise to a point of order under Rule 44(2). The hon'ble Member is permitted to raise a supplementary question. The hon'ble Minister concerned should answer the hon'ble Member giving the information he needs. If he does not give the information, he can say, notice. Beyond this, he cannot command and say that this question does not arise, as has been done in the case of Sri Hutchmasti Gowda. It is the duty of the hon'ble Speaker to decide the relevancy or otherwise of the fact and say that the supplementary question has been permitted. The direction must come from you alone, and not from others. If any hon'ble Minister says that it does not arise, then it is nothing but contempt of the House and a serious reflection on the Chair. Even the hon'ble Speaker is silent on the issue. I take it as contempt on my part because it is my bounden duty to vindicate the right of the Chair and to respect it. The Ministers are not armed with such privileges which exempt them from paying heed to the commands of the Chair. Therefore, my point of order is raised with a view to request you to give a ruling which will be mandatory on the Ministers to respect it and govern themselves with.

ಶ್ರೀ ಎನ್. ಹುಡ್ಕಮಸ್ತಿಗೌಡ (ಹುಲಿಯೂರುದುರ್ಗ).—ಕಿಂವೆ ತಾಪು ಇಂತಹ ಸಂದರ್ಭ ಬಂದಾಗ ಶ್ರೀ ಪುಟ್ಟಸ್ವಾಮಿಯವರು ಈ ಪ್ರಶ್ನೆ ಇಲ್ಲಿ ಉದ್ಭವಿಸುವುದಿಲ್ಲವೆಂದು ಹೇಳಿದಾಗ ತಾಪು ನನಗೆ ಅಧಿಕಾರವಿದೆಮೆಂದು ಹೇಳಿದರು. ನಾನು ಪ್ರಶ್ನೋತ್ತರ ಕಾಲದಲ್ಲಿ ಕೋಪಿಸಿಕೊಂಡು ಪಾಯಿಂಟ್ ಆಫ್ ಆರ್ಡರ್ ಎಂದು ಹೇಳಿದರೂ ಕೂಡ ನನಗೆ ಅವಕಾಶ ಕೊಡಲಿಲ್ಲ. ಈಗ ಶ್ರೀ ಪಾಟೀಲ್ ಅವರು ಎತ್ತಿರುವುದರಿಂದ ತಮ್ಮ ನಿರ್ದಿಷ್ಟವಾದ ಒಂದು ತೀರ್ಮಾನವನ್ನು ಕೊಡಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

Mr. SPEAKER.—A point of order has been raised by Sri K. H. Patil. It is sought to be sustained by Mr. Hutchmasty Gowda. I am afraid neither of these two Members correctly followed the proceedings. I said I accept the point of order. When it was mentioned that the hon. Minister for Education has no right to say that, that is not the question arising. And I further followed by saying that if the Minister declines to answer, I cannot do anything. With a view to saving time and with a view that the rest of the questions are also taken up and the Members get the benefit of putting questions and eliciting information they wanted, I did not allow any further discussion on the point.

Now, Sri Patil, in his point of order seems to be hesitant as to what is exactly in his mind. He used the word 'contempt'. If it is contempt of the House, a Privilege motion has to be given. I said it on a previous occasion. Today he used the words 'contempt of the Speaker' and 'contempt of the House' and he has come forward to protect me and the House for such contempt.

10-00 A.M.

Sri K. H. PATIL.—Sir, may I say a word ! Every member is free to express his view. The procedure may be followed later on. We may or may not bring a privilege motion but it is our right to express our views.

Mr. SPEAKER.—At this stage, hon. member Sri Patil again interrupts (*laughter*). He seems to believe that members have got a right to express as they please and then say 'here is contempt' and then, they may drop it and again they may take it if they like. This is not the way the time of the House is to be used. I request members to have clear ideas whether it is a point of order or a matter of contempt. If it is point of order, they may stick to it or if it is a contempt they may give a notice. The Hon. member began it as a point of order; I do not know whether he called it as a point of order or not. I deal with it as a point of order because it was raised as a point of order and it was sought to be reinforced by Sri Hutchmasti Gowda. I have said with no hesitation that what is relevant or what is not relevant, whether a supplementary is or is not relevant, is the exclusive domain of the Speaker. The Speaker decides whether a supplementary arises or not. When a question or a supplementary is put for which the answer is not ready, it is open to the hon. Minister to say that he cannot answer that question and that he wants notice, or if he thinks that it is not relevant, he may make a submission. But the point is, if he shuts his mouth, I can do nothing. What I do want to say is, implying that Speaker's rulings are trampled upon by the Ministers, that is a remark which was not desirable, to say the least. I therefore, hold that it is not for the Minister to say whether a question is relevant or is not relevant or whether a supplementary arises or does not arise and it is the domain of the Speaker and it is only the Speaker and nobody else.

ಶ್ರೀ ಎಸ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ.—ಈ ನಂದರ್ಭದಲ್ಲಿ ಕೂಡಲೇ ನಡೆವರು ಈ ತರಹ ಪ್ರಶ್ನೆ ಉದ್ಭವಿಸುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿಕೊಡದು ಎಂದು ಅವರಿಗೆ ತಾವು ಹೇಳಬೇಕು. 'ಇದು ನಿಮ್ಮದು ಅಧಿಕಾರ ವಲ್ಲ, ಆ ಅಧಿಕಾರ ನನ್ನದು' ಎಂದು ತಾವು ಅವರಿಗೆ ಹೇಳಬೇಕು.

Mr. SPEAKER.—Under which rule the hon. member has given me advice ?

(*Laughter.*)

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ತೀರ್ಥಹಳ್ಳಿ).—ಶ್ರೀ ಸಾಕಪ್ಪ ಅವರ ಕ್ರಿಯಾಲೋಪದ ಬಗ್ಗೆ ತಾವು ಹೇಳಿದ್ದು ಅಭಿಪ್ರಾಯವೋ ಅಥವಾ ರೂಲಿಂಗೋ ಎನ್ನುವುದು ಗೊತ್ತಾಗಲಿಲ್ಲ. ಅದರಲ್ಲಿರತಕ್ಕ ಅಂಶವನ್ನು ಬಹಿರಂಗಪಡಿಸಬಾರದು ಎಂದು ಸರಕಾರ ತೀರ್ಮಾನ ಮಾಡಬೇಕೇ ? ಆ ಅಧಿಕಾರ ಇರ ತಕ್ಕದ್ದು ಯಾರಿಗೆ ? ಒಂದುಅಂಶ ಗುಪ್ತವಾಗಿರುವುದಕ್ಕೆ ಯೋಗ್ಯವಾಗಿರುತ್ತದೆ, ಅದನ್ನು ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಬಹಿರಂಗ ಪಡಿಸತಕ್ಕದ್ದಲ್ಲ ಎಂದು. ಯಾರು ತೀರ್ಮಾನ ಮಾಡಬೇಕು ?

Mr. SPEAKER.—I will discuss that with the member but not now because one of the points is, not to give a ruling on hypothetical considerations. As and when it arises, we will deal with it.

(MR. SPEAKER)

Now, I do not want to spend more time on this. This is from the Lok Sabha on 17th December 1957 at column 5815 :

“MR. SPEAKER.—One at a time please. I have called Sri M. R. Krishnan. Thereafter I enforce the rule namely, the rule in the House of Commons that if an hon'ble member gets up and goes on talking in spite of being asked to sit down or members intervene while another member is speaking, he shall not be called upon for two or three months.”

I am only telling this so that if we are to enforce this, no work would be done on the floor of the House.

ಶ್ರೀ ಎಂ. ಎನ್. ಕೃಷ್ಣನ್.—ಸ್ವಾಮಿ, ಒಂದು ವಿಷಯ ಅರಿಕೆ ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗಿದೆ. ನಿನ್ನೆಯ ದಿವಸ ಮಾನ್ಯ ಗೃಹಮಂತ್ರಿಗಳು ಉತ್ತರ ಕೊಡುತ್ತಾ ವಿಧಾನ ಸೌಧ ಚಲಾವಳಿ ಬಗ್ಗೆ ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿ ಇಟ್ಟ ವಿಚಾರದಲ್ಲಿ ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿದರು. ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ರೂಲಿಂಗ್ ಕೊಟ್ಟಿದ್ದೀರಿ. ಎರಡನೆಯ ವಿಚಾರದ ಬಗ್ಗೆ ಅಂದರೆ, ಎಷ್ಟು ಕಠಿಣ ಖರ್ಚು ಆಗಿದೆ ಎಂಬುದನ್ನು ಹೇಳಲು ಅವರು ತಮಗೆ ಟೈಂ ಬೇಕು ಎಂದು ಹೇಳಿದರು. ಈ ಸಂದರ್ಭದಲ್ಲಿ ನಾನು ಅರಿಕೆ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ. ಅವರು ಕನ್ಸಿಡರ್ ಮಾಡುತ್ತೇನೆ ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಈ ವಿಚಾರ ನನಗೆ ಸ್ಪಷ್ಟವಾಗಿ ತಿಳಿಯಬೇಕು. ಇದಕ್ಕೆ ಉತ್ತರ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಈ ಸೆಷನ್‌ನಲ್ಲಿಯೇ ಹೇಳಬೇಕು ಎಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ಶ್ರೀ ಅಜೀಜ್‌ಶೇರ್ (ನರಸಿಂಹರಾಜ).—ಮಧ್ಯೆ ಮಧ್ಯೆ ಎದ್ದು ಸದಸ್ಯರು ಪ್ರಶ್ನೆ ಕೇಳಿದರೆ ಹಾಗೂ ಇಂಟರ್ವ್ಯೂ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಅಂಥ ಸದಸ್ಯ ಎರಡು ಮೂರು ತಿಂಗಳವರೆಗೆ ಸ್ಪೀಕರ್ ಅವರ ಕಛೇರಿಗೆ ಹಿಡಿಯುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿದಿರಿ. ಇಲ್ಲಿ ಇದ್ದೂ ಕಛೇರಿಗೆ ಬಿದ್ದೂ ಸ್ಪೀಕರರ ಕಛೇರಿಗೆ ಬೀಳುವುದಿಲ್ಲ ಅಂದರೆ ಅವರು ಪರರೊಳಕ್ಕೆ ಹೋದವರಿಗೆ ತಿಳಿದು ಮಾಡಬೇಕಾಗುತ್ತದೆ ಎಂದು ತಾವು ಮಾತನಾಡುತ್ತಾ ಹೇಳಿದಿರಿ. ಆ ರೂಲಿಂಗಿನಲ್ಲಿ ಪಬ್ಲಿಕ್ ಡಾಕ್ಯುಮೆಂಟ್ ಕೊಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ ಎಂಬ ಬಗ್ಗೆ ಇದೆ. ಅದರಲ್ಲಿ ಇದನ್ನು ಏತಕ್ಕೆ ಸೇರಿಸಿದರು ಎಂಬುದು ನನ್ನ ತರಗೆ ಹೊಳೆಯುತ್ತಾ ಇಲ್ಲ. ಇದನ್ನು ತಿಳಿಸಿ ಹೇಳುತ್ತೀರಾ ?

MR. SPEAKER.—The House now stands adjourned for half-an-hour.

*The House adjourned for Recess at Ten Minutes Past Ten of the Clock and reassembled at Forty Minutes past Ten of the Clock.*

[MR. SPEAKER in the Chair]

## CALLING ATTENTION NOTICE TO A MATTER OF URGENT PUBLIC IMPORTANCE

Re: Stoppage of Drinking Water to Huliurdrga in Kunigal Taluk.

ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ (ಹುಲಿಯೂರುದುರ್ಗ).—ಕುಣಿಗಲ್ ತಾಲ್ಲೂಕು ಹುಲಿಯೂರು ದುರ್ಗ ಹೋಬಳಿ ಹಡ್‌ಕ್ಯಾರ್ಸ್ ಸ್ಥಳವಿದೆ. ಅಲ್ಲಿ ಅರಸಾವಿರ ಜನರಿದ್ದಾರೆ. ಆ ಭಾಗದಲ್ಲಿ ಸಿಕ್ಕಿಲಿರಿನ ಬಾವಿ ಗಳಿಲ್ಲ. ಒಂದು ಸಣ್ಣ ಕೆರೆ ಇದೆ. ಆ ಕೆರೆಯ ನೀರನ್ನು ಕುಡಿಯುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಅದಕ್ಕೋಸ್ಕರ ಈಗ 8-10 ವರ್ಷಗಳಲ್ಲಿ ಒಂದು ಯೋಜನೆಯನ್ನು ಹಾಕಿ ಒಂದು ಬೋರ್‌ವೆಲ್